REMARKS

In the Official Action mailed on **07 January 2009**, the Examiner reviewed claims 38-47. Examiner rejected claims 38-41, 46, and 47 under 35 U.S.C. § 103(a) based on Rabin et al. (U.S. Patent No. 6,697,948, hereinafter "Rabin"), and Tinney ("*Organize Your Finances in a Weekend with Quicken® 2000*", hereinafter "Tinney"). Examiner rejected claims 42-45 under 35 U.S.C. § 103(a) based on Rabin and Tinney as applied to claim 38, and further in view of another embodiment of Rabin. Examiner rejected claims 42-46 of this application as conflicting with claims 1-3, 29-31, 43-45, and 55-63 of Application No. 10/684,955.

Double Patenting

Claims 42-46 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3, 29-31, 43-45, and 55-63 of Application No. 10/684,955 as a double patenting rejection. Applicant respectfully submits the attached terminal disclaimer with respect to the above Application No. 10/684,955 to obviate any provisional or actual rejection under the judicially created doctrine of obviousness-type double patenting.

Rejections under 35 U.S.C. § 103(a)

Examiner rejected claims 38-41, 46, and 47 under 35 U.S.C. § 103(a), asserting that these claims are unpatentable over Rabin in view of Tinney.

Applicant respectfully disagrees, because neither Rabin or Tinney disclose, either explicitly or implicitly, a server computer which receives a request from a client computer for an authorization to access a feature of a software program, and in response to receiving the request, the server **determines whether current software license information concerning the user needs to be updated**.

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Specifically, embodiments of the present invention provide a system where a client computer can send a request to a server for access to a feature of a software program, and the server **determines whether current software license information concerning the user needs to be updated.** When the server determines that the software license needs to be updated, the server **stores an update** to the current software license information. Then, the client computer receives the updated software license information from the server. Applicant respectfully notes that the client computer and the server can continue to exchange software license information to **dynamically update the software license** as a user operates the software program over time. Updating the software license dynamically over time allows the modification of an active software license to account for software upgrades which the user purchases or declines, as well as to terminate or restrict a software license when fraud is detected (see instant application, paragraphs [0009]-[0012]).

In contrast, Rabin discloses a monitoring program which runs on a user's device to ensure that no unauthorized use is taking place for an instance of a software product, and discloses a guardian center which communicates with the monitoring program to restrict a software product when an unauthorized use is detected (see Rabin, abstract, and col. 5, lines 8-28). Applicant respectfully notes that Rabin does not disclose a server computer which determines whether current software license information concerning the user needs to be updated, and which updates the software license accordingly. At most, Rabin discloses the guardian center which receives an existing tag instance from the monitoring program running on the user's device, such that the guardian center uses the tag instance to create and send a continuation message (i.e., CM 212) which specifies whether a software on the user's device needs to be disabled (see Rabin, col. 50, lines 33-65). In other words, the exchange of information between the monitoring program and the guardian center does not allow a software license to evolve over time, because **the user's device retains a given software license**, and the

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continuation message only specifies whether the **monitoring program** needs to deactivate or reactivate a given software program.

Furthermore, Tinney discloses four software product categories, where a software product for a given category includes a predetermined combination of available features (see Tinney, pages 328-329). However, Tinney does not disclose anywhere, either explicitly or implicitly, a server computer which determines whether current software license information concerning the user needs to be updated.

Accordingly, Applicant has amended claims 38, 46, and 47 to clarify that in embodiments of the present invention, when a client computer sends a request for a feature to a server computer, the server computer **determines whether current software license information concerning the user needs to be updated and, based on the determination, stores an update** to the current software license information. These amendments find support in paragraphs [0009]-[0012] of the instant application. No new matter has been added.

Hence, Applicant respectfully submits that independent claims 38, 46, and 47, are in condition for allowance. Applicant also submits that claims 39-45, which depend upon claim 38, are for the same reasons in condition for allowance and for reasons of the unique combinations recited in such claims.

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CONCLUSION

It is submitted that the present application is presently in form for allowance. Such action is respectfully requested.

Respectfully submitted,

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